

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**JOSHUA NAVARRO, BENJAMIN
KOMITA, JADEN KREKOW,
KYLE STEWART, MASON
YASKOVIC, THOMAS FRANCIS,
BRYCEN HANER, RYAN
ZERNEKE, DAVID ADLER, ERIK
LAARI, and REESE VAN PUTTEN,**

Plaintiffs,

v.

Case No: 6:22-cv-1950-CEM-EJK

**FLORIDA INSTITUTE OF
TECHNOLOGY, INC.,**

Defendant.

ORDER

This cause comes before the Court on Defendant's Unopposed Motion for Leave to File a Proposed Protective Order (the "Motion"), filed May 3, 2023. (Doc. 73.) Upon consideration, the Motion is granted.

In the motion, Defendant seeks leave to file a protective order with respect to the production of student education records that are otherwise protected from disclosure pursuant to the Family Educational Rights and Privacy Act of 1974 ("FERPA")¹. The purpose of FERPA is to "'assure parents and students . . . that access

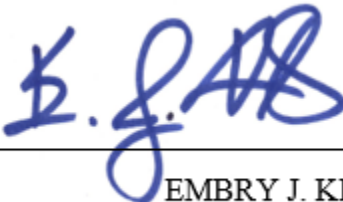
¹

" . . . [S]uch information is furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of

to their education records and to protect such individuals' right to privacy by limiting the transferability (and disclosure) of their records without their consent.'" *Cafta v. RLI Ins. Co.*, No. 8:14-cv-843-T-17EAJ, 2015 WL 12844288, at *2 (M.D. Fla. Feb. 5, 2015) (citing *Alig-Mielcarek v. Jackson*, 286 F.R.D. 521, 525–26 (N.D. Ga. 2012)). Defendant states that the parties have agreed to a confidentiality agreement; however, the parties note that FERPA appears to require a court order to disclose information without student consent. (Doc. 73 at 2; *see* 20 U.S.C. § 1232g(b)(2)(B) (student consent not needed when "such information is furnished in compliance with a judicial order, or pursuant to any lawfully issued subpoena, upon condition that parents and the students are notified of all such orders or subpoenas in advance of the compliance therewith by the educational institution or agency.")).)

Accordingly, Defendant's Unopposed Motion for Leave to File a Proposed Protective Order is **GRANTED**.

DONE and **ORDERED** in Orlando, Florida on May 19, 2023.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE

all such orders or subpoenas in advance of the compliance
therewith by the educational institution or agency

20 U.S.C. § 1232g(b)(2)(B).